

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

Scarlett Faith McNeilly

Plaintiff

V.

Complaint

Civil Action No 5:12-4609

The Greenbrier Resort

James C. Justice II

Justice Family Group LLC.

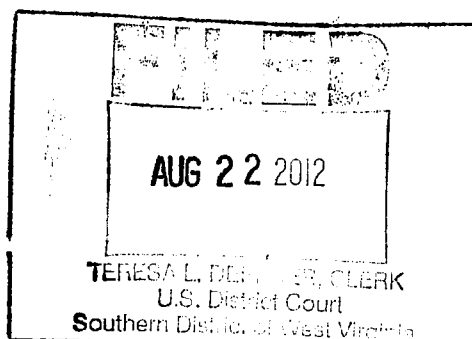
Gallagher Basset Services Inc.

Kathy Miller

Paul Fogus

Tom Stacy

Defendant(s)



- 1) Citizenship of plaintiff is in Ohio
- 2) While as an invitee to the Greenbrier Resort for the promotion of "It's Your Lucky Day", the plaintiff states that on August 23rd 2010, while in the shower the water temperature dropped to cold and the plaintiff took one step forward with her left foot and reached with her left hand to change the temperature on the faucet. Due to the tub/shower being slippery, the plaintiff went out of the tub/shower in a tornado type action striking her head and back on the marble floor. Underneath the plaintiff was the shower curtain liner while the shower curtain itself remained intact. There was no rubber bathtub mat provided at this time for the tub/shower as well as no rubber anti-slip strips in the tub bottom. The plaintiff's friend and also roommate at the time came to the plaintiff's aide when she heard the fall. Upon discovering the plaintiff had fallen, the plaintiff's friend called for help. The plaintiff states that when the security arrived to her room 6617, she begged them not to move her because of having horrific head pain as well as experiencing numbness from the neck down after she awoke from the fall. The plaintiff remembers telling the security and the Greenbrier nurse of her fears to be moved due to a friend of hers having broke her neck and being paralyzed. The Greenbrier nurse and security told the plaintiff that it was policy to

move all people to their internal clinic before calling EMT's. Despite the plaintiff's protest, the plaintiff was placed in a wheelchair without any head or neck support knowing there was possible severe injuries to these areas. Once at the clinic, the physician in charged called for transportation and was moved with proper care for her type of injuries to the Greenbrier Valley Medical Center in Ronceverte, West Virginia. The plaintiff sustained a severe concussion with lingering effects of a Traumatic Brain Injury, PTSD, PCS, severe anxiety, depression, a possible acute avulsion of the left knee, cognitive impairment, loss of self, cervical disc displacement, cervical radiculopathy, cervical sprain/strain, photosensitivity, voice influctions, memory loss, as well as visual and hearing damage.

- 3) Damages- Medical expenses, Future medical expenses, Lost wages, Future earnings, Pain and suffering, Loss on enjoyment, and Emotional distress.

Scoutt M. Kelly Pro Se
Plaintiff, Pro SE

8-22-12

Date